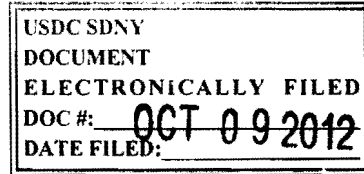


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----	X	
	:	
SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	10 Civ. 3229 (KBF)
Plaintiff,	:	
	:	<u>ORDER</u>
-v-	:	
	:	
FABRICE TOURRE,	:	
	:	
Defendant.	:	
-----	X	
KATHERINE B. FORREST, District Judge:		

IT IS HEREBY ORDERED that, at the October 11, 2012, oral argument, the parties should be prepared to address the arguments raised in their respective memoranda as well as, in particular, the following:

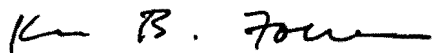
1. If the underlying issue here was one on a motion to dismiss, how can the Court consider the Williams Declaration, which is not incorporated by reference into the Amended Complaint or appended thereto?
2. Why does where the payment occurred (page 7 of the SEC's opening memorandum) necessarily support the conclusion that title was transferred in the United States?
3. Based on the SEC's argument that it is the GS&Co. transaction (rather than the Loreley transaction) that is U.S.-based, what is defendant's response on whether

additional discovery is needed and, if needed, how much?

4. Explain the practical effect of allowing reinstatement of the IKB claims based on the fact that it is the GS&Co. purchase that is the alleged "domestic transaction."
5. Is alleging that the GS&Co. transaction is "domestic" as a way to reinstate the IKB claims contrary to the Second Circuit's recognition in Absolute Activist that Morrison requires that the securities transaction at issue in the lawsuit (here, the Loreley purchases) be "domestic"?

SO ORDERED:

Dated: New York, New York
October 9, 2012



KATHERINE B. FORREST
United States District Judge